

Message

From: Agarwal, Ilena [agarwal.ilen@epa.gov]
Sent: 10/17/2018 7:46:23 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Compilation 10/17/2018

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[Bloomberg Environment: Maryland Sues EPA for Not Addressing Ozone-Forming Pollution](#)

Emissions:

[Washington Examiner: EPA touts falling emissions during first year of Trump administration](#)

[Breitbart News: EPA: Greenhouse Emissions Decreased During Trump's 1st Year in Office](#)

[Reuters: U.S. greenhouse emissions fell in 2017 as coal plants shut](#)

[Reuters: U.S. environmental agency says has been in talks with AB Volvo over emissions issue](#)

[Axios: EPA brags up lower emissions while Trump doubts climate change](#)

[Cape May County Herald: Deadline Nov. 6 for EPA School Bus Rebate Program to Reduce Diesel Emissions](#)

[BNA: EPA Foot-Dragging on Dicamba Leaves Farmers Up in the Air](#)

Mercury:

[The Guardian: EPA to unveil plans to weaken rule limiting toxic mercury pollution](#)

[Bloomberg Environment: EPA Says it Will Re-Examine Toxic Mercury Air Limits By Next Month](#)

AgriNews: President directs EPA to lift year-round E15 restriction

http://www.agrinews-pubs.com/news/president-directs-epa-to-lift-year-round-e-restriction/article_f631d7dc-3f12-5b0b-87d5-78a5d5308ed2.html

By Tom C. Doran Publications- October 16, 2018

COUNCIL BLUFFS, Iowa — President Trump announced plans Oct. 9 to lift year-round restrictions on E15 sales and directed the Environmental Protection Agency to initiate the rulemaking process.

The president also said he will seek reforms to biofuels credit trading, known as Renewable Identification Numbers, which will provide greater transparency and help reduce volatility in the market.

Currently, retailers throughout most of the country are prohibited from offering E15 between June and September based on concerns it contributes to smog.

In 2011, EPA approved the use of E15 in 2001 and newer vehicles, but the agency did not allow E15 to benefit from the one-pound per square inch Reid vapor pressure waiver that is available to E10 blends. As a result of this disparity, retailers in conventional gasoline areas would have to secure specialty gasoline blendstocks in order to continue selling E15 in the summer. Such gasoline blendstock is generally unavailable in conventional gasoline areas and would be uneconomical to ship.

The announcement was the culmination of a months-long effort by the White House to reach agreements between the corn and oil industry interests.

There was immediate pushback from the petroleum industry.

"EPA has previously stated that it does not have the legal authority to grant E15 waiver, and we agree with that assessment. The industry plans to aggressively pursue all available legal remedies against this waiver," said Mike Sommers, American Petroleum Institute president and CEO.

"Putting a fuel into the marketplace that the vast majority of cars on the road were not designed to use is not in the best interest of consumers. Vehicle compatibility tests have shown that high ethanol levels in gasoline can damage engines and fuel systems."

The American Coalition of Ethanol CEO Brian Jennings said the EPA has already approved E15 as safe to use in 90 percent of all vehicles on the road today.

"The president's decision will not prevent Big Oil from stonewalling year-round E15, so we encourage Acting EPA Administrator Andrew Wheeler to expeditiously publish a legally-defensible approach for extending RVP relief to E15 in the Federal Register for public comment and to finalize the rule before the 2019 low-RVP season kicks-in," Jennings said.

"The beneficiaries of this positive step go beyond farmers and retailers to consumers who would have the opportunity to save money every time they fill up at the pump."

Building Markets

"The president's action isn't just a win for corn farmers and the ethanol industry, motorists everywhere will now be able to fuel up at the pump year-round with E15, a clean-burning, high-powered fuel that helps clear the air of toxic tailpipe emissions and lowers prices at the pump. That's what I call good news for all of us," said Aron Carlson of Winnebago, Ill., Illinois Corn Growers Association president.

“Corn farmers have been losing money for the last five years. Building markets for higher blends of corn-based ethanol supports farm income at zero cost to the federal budget. It paves the way for other regulatory actions to provide increased ethanol market access for the fuels of the not-too-distant future, and for that, we are grateful.”

Illinois Farm Bureau President Richard Guebert Jr. said for more than a decade, the Renewable Fuel Standard has created jobs, boosted the rural economy, and helped clean the air.

“But Illinois farmers have been frustrated by EPA’s recent actions which have not only undermined the RFS but also softened market demand for both ethanol and corn,” Guebert said.

Roger Johnson, National Farmers Union president, said allowing the use of E15 year-round is an important step toward realizing a renewable energy future for the transportation fuel sector.

“At the same time, this ‘compromise’ does nothing to address the billions of gallons of ethanol demand that were lost as a result of the EPA’s RFS waiver handouts to oil refiners. Family farmers are in significant financial distress right now, and the administration’s surreptitious biofuel demand destruction has made matters worse,” Johnson said.

“The bottom line here is that if the president wants to do right by his promises to support family farmers and American-grown biofuels, his administration must support net increases in biofuel use. Even with an E15 waiver, family farmers are at a net loss in biofuel demand over the past two years.”

Waiver Transparency

Acting EPA Administrator Wheeler recently announced new efforts to provide greater transparency in the Renewable Identification Number market that’s used to show compliance with annual Renewable Fuel Standard requirements.

The EPA website now provides aggregate data on small refinery hardship exemptions as well as waiver requests for current and future compliant years.

The EPA has previously not disclosed the exact number of exemptions granted or the volume of required renewable fuel blending that is erased by small refinery exemptions.

Data released on the updated website shows the EPA received 34 small refinery hardship exemption petitions in 2017, 29 of which have been approved and five are pending. EPA approved 19 exemptions in 2016 with one pending.

Seven petitions were approved in 2015 and eight in 2014 and 2013

Park Record: EPA awards \$120,000 grant to replace fireplaces in Summit County

<https://www.parkrecord.com/news/summit-county/epa-awards-120000-grant-to-replace-fireplaces-in-summit-county/>

By Angelique McNaughton- October 17, 2018

Wood-burning appliances are often considered synonymous with homes in the mountains. But, health officials are hoping a new program will educate homeowners of the risk the ambiance poses to air quality and encourage them to make the switch to gas appliances.

The Environmental Protection Agency awarded a \$120,000 grant to Utah Physicians for a Healthy Environment earlier this month for an air quality project in Summit County.

The program is intended to reduce exposure to wood smoke pollution by helping moderate- to low-income families switch out their appliances. Utah Physicians for a Healthy Environment is partnering with the Summit County Health Department, Habitat for Humanity of Summit and Wasatch counties, and PurpleAir.

Phil Bondurant, environmental health director of the Health Department, said the grant will ultimately help improve the air quality in Summit County. The Summit County Council identified the negative health impacts of poor air quality and instructed the Health Department to find ways to improve it as one of its strategic goals for 2018.

We live in a community where it is mountainous and people want that effect. We are sensitive to that. But, we have to consider the environmental and health impacts," Phil Bondurant, environmental health director

"We see traditional spikes after the first cold snap of the year and around our holidays," he said, referring to usage of wood-burning appliances. "We live in a community where it is mountainous and people want that effect. We are sensitive to that. But, we have to consider the environmental and health impacts."

The program administered through the grant will serve two purposes: provide education and outreach about the dangers associated with the burning of wood, and provide financial assistance for people who are interested in installing a natural gas or propane appliance.

Utah Physicians for a Healthy Environment will be administering the grant while working closely with partner agencies to determine who will be eligible to participate in the program. Utah Physicians for a Healthy Environment is a Salt Lake City-based education group that advocates for clean air, soil and other healthy environment-related issues.

Jonny Vasic, executive director for Utah Physicians for a Healthy Environment, commended the Health Department's interest in implementing the program. A similar program is currently in place in the Salt Lake Valley. He added, "It's pretty exciting that Summit County is interested in getting a jump on it before air quality does get that bad."

"I hope this will be the tip of the iceberg and create some momentum. It would be a good idea to take the lead on it before we do get to that point."

Health officials in Summit County encouraged the Snyderville Basin Planning Commission to pass an ordinance banning the installation of wood-burning appliances in new construction in 2015. No similar ordinances exist in Park City or on the eastern end of the county.

Vasic was confident Summit County residents will want to switch to gas appliances, adding, "There will no shortages of people signing up." He said the interest is there, but many people don't have the financial means to do it.

"If we have individuals that want to make that switch from wood burning to gas appliance, that's where this program really fills that void by helping people who may be in that situation," he said.

Doug Benevento, a regional administrator for the EPA, said in a press release the EPA supports local efforts to address and improve air quality in the state.

"We are pleased to support this voluntary partnership, which will help lower and middle-income households reduce harmful particulate emissions and improve public health in Summit County," he said. Details surrounding how the program will be administered and who will be eligible were not available. The County Council is scheduled to review the project during the Oct. 31 meeting. A website will soon be developed for signups, Bondurant said. He added, "We are still in the early process of getting this going before we roll it out."

The program will likely target people who can't afford to switch their appliances or those who own homes with wood-burning fireplaces that are not properly working.

"This program covers everything from A to Z and is really focusing on our groups that may be at risk financially," Bondurant said. "We are focused on making an impact in air quality for years to come and are hoping we can get the community to engage in this process. We can write regulations and rules that limit and restrict this. But, sometimes we have to get a voluntary commitment rather than writing another regulation. But, we have an opportunity make a difference now."

Cape May County Herald: Deadline Nov. 6 for EPA School Bus Rebate Program to Reduce Diesel Emissions

https://www.capemaycountyherald.com/news/government/article_bce6805c-d182-11e8-ae81-93a2ac219594.html

Press release- October 16, 2018

NEW YORK – Earlier in October, the U.S. Environmental Protection Agency (EPA) announced over \$9 million available nationwide in rebates to replace older diesel school buses through EPA's Diesel Emissions Reduction Act (DERA) funding.

According to a release, in March 2018, recipients in New York and New Jersey received rebates totaling \$759,000 to replace or retrofit 39 buses. The new and retrofitted buses will reduce pollutants that are linked to health problems such as asthma and lung damage.

“This is a prime example of EPA providing leadership and resources to support a cleaner environment in our schools and communities,” stated EPA Regional Administrator Pete Lopez. “Through this federal funding, EPA is helping replace older diesel engines, bringing tomorrow’s buses to today’s children, improving air quality and quality of life.”

Applicants can apply for rebates between \$15,000 and \$20,000 per bus to replace buses with engine model years of 2006 and older with new buses powered by 2017 or newer model year engines.

Eligible replacement school buses may operate on diesel, gasoline, battery, or alternative fuels such as natural gas or propane.

The following entities are eligible to apply: Regional, state, or local agencies; port authorities; tribal governments or native villages with jurisdiction over transportation or air quality; public school districts; and private entities that operate school buses under a contract with an entity listed here. Applications are limited to 10 buses.

Fleets that own more than 100 buses can submit two applications. Selections are made through a lottery process, with at least one selectee from each state/territory represented in the applicant pool. The deadline to apply is November 6, 2018. For more information, visit <https://www.epa.gov/cleandiesel/clean-diesel-rebates>.

This is the sixth rebate program to fund cleaner school buses offered under DERA appropriations, which has supported nearly 25,000 cleaner buses across the country for America’s school children. For more information about the DERA program, visit www.epa.gov/cleandiesel.

Bloomberg Environment: Maryland Sues EPA for Not Addressing Ozone-Forming Pollution

<https://news.bloombergenvironment.com/environment-and-energy/maryland-sues-epa-for-not-addressing-ozone-forming-pollution-1>

Amena H. Saiyid- Oct. 16, 2018, 12:35 PM Updated Oct. 16, 2018, 2:20 PM

- Maryland challenging EPA not mandating controls on upwind power plants
- State can't meet federal ozone standards caused by out-of-state emissions of ozone precursors
- Delaware still deciding whether to follow suit
- Maryland will head to court in its latest bid to force the EPA to require new air pollution controls on emissions from out-of-state power plants.

The lawsuit challenges the Environmental Protection Agency's Sept. 14 denial of petitions from Maryland and Delaware seeking additional steps to reduce emissions of nitrogen oxides from 36 coal-fired power plants in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia.

Maryland and Delaware said emissions from those power plants hindered their efforts to meet the federal ozone pollution standards. Nitrogen oxides contribute to ground-level ozone, a lung irritant that can exacerbate breathing conditions like asthma.

Maryland Attorney General Brian Frosh (D) filed the lawsuit Oct. 15 in the U.S. Court of Appeals for the District of Columbia Circuit, saying the EPA's decision in effect gave "a green light" to out-of-state power plants to continue sending their pollution downwind to Maryland.

The EPA had denied the petitions, saying its interstate power plant emissions trading program would address the states' concerns. The Clean Air Act's "good neighbor" provision requires states to ensure that air pollution from within their borders doesn't interfere with downwind states' ability to meet federal limits for pollutants such as ozone.

The agency told Bloomberg Environment Oct. 16 it doesn't comment on pending litigation.

"Now we are turning to the courts to overturn EPA's flawed decision. Clean air matters to Maryland and the Chesapeake Bay and we're committed to winning this case," Maryland Environment Secretary Benjamin Grumbles told Bloomberg Environment in an Oct. 16 email.

Power plants targeted by Maryland include FirstEnergy Corp.'s Pleasants Power Station in West Virginia and Bruce Mansfield Power Station in Pennsylvania—both of which are already scheduled to close—and Ohio Valley Electric Corp.'s Kyger Creek Generating Station.

Delaware Still Debating Options

Delaware is still considering legal options, Michael Globetti, spokesman for the state's Department of Natural Resources and Environment Control, told Bloomberg Environment Oct. 16.

The state asked the EPA to make a finding that Brunner Island Steam Electric Station in York County, Pa., the Harrison Power Station in Harrison County, W.Va., and the Conemaugh Generating Station and Homer City Generating Station, both in Indiana County, Pa., were driving the state out of compliance with the 2008 and 2015 ozone standards.

The case is Maryland v. EPA, D.C. Cir., docket number unavailable, 10/15/18.

S&P Global: US Environmental Protection Agency aims to adopt new fuel economy rule by March, E15 rule by May

<https://www.spglobal.com/platts/en/market-insights/latest-news/agriculture/101718-us-environmental-protection-agency-aims-to-adopt-new-fuel-economy-rule-by-march-e15-rule-by-may>

Author Meghan Gordon- October 17, 2018

Washington DC — The US Environmental Protection Agency aims to adopt final rules for fuel economy standards by March and year-round sales of higher ethanol blends by May, according to a fall regulatory agenda released Wednesday by the Trump administration.

The fuel economy rule is expected to increase US oil demand by 500,000 b/d, as efficiency standards for light-duty vehicles adopted by the Obama administration would be frozen for six years at the 2020 target of 43.7 miles per gallon. EPA also aims to revoke California's long-held waiver to set its own tougher-than-federal fuel economy standards, which a dozen other states follow.

The proposal said booming US oil production has added new stable supply to the global oil market and "reduced the urgency of the US to conserve energy," one of the goals of the original fuel economy standards.

"The US is currently producing enough oil to satisfy nearly all of its energy needs and is projected to continue to do so or become a net energy exporter," EPA said.

EPA will close public comments on the fuel economy proposal October 23.

The announcement that EPA aims to propose changes formally to biofuels policy, including year-round E15, in February and approve them in May confirms a timeline first reported Monday by S&P Global Platts.

President Donald Trump last week touted in a campaign rally in Iowa that he was "unleashing the power of E15 to fuel our country all year long. Not eight months. All year long." YEAR-ROUND E15

The sale of E15, or gasoline blended with 15% ethanol, is currently restricted in the summer months because of gasoline volatility rules.

Trump directed EPA to authorize year-round E15 sales and to develop new rules to increase transparency in Renewable Identification Numbers markets.

The E15 expansion and RINs trading changes are not expected to have an immediate impact on fuel prices or trade flows as they will have to undergo a long rule-making process, and oil refiners have already promised to challenge the policy in court.

Among the RINs changes, the White House asked EPA to consider banning anyone but obligated parties from buying separated RINs, requiring public disclosure when RIN holdings exceed specified limits and limiting the time a non-obligated party can hold RINs.

High gasoline prices have become a political liability ahead of the US midterm elections, and Trump's previously unfulfilled promise to approve year-round E15 was threatening to hurt Republicans in farm states.

Trump said approving year-round E15 would lower drivers' costs at the pump.

The fall regulatory agenda also showed EPA aims to meet the November 30 deadline for setting final blending volumes for the 2019 biofuel mandate and 2020 biodiesel mandate.

In July, EPA proposed requiring refiners to blend 19.88 billion gallons of biofuel into gasoline and diesel supplies in 2019, up 3% from the 2018 mandate. The 2019 proposal includes 4.88 billion gallons of advanced biofuel and an implied requirement for 15 billion gallons of conventional ethanol. EPA proposed a 2020 biodiesel mandate of 2.43 billion gallons, a target that is set one year ahead.

Washington Examiner: EPA delays controversial proposal to limit what scientific research can be used

<https://www.washingtonexaminer.com/policy/energy/epa-delays-controversial-proposal-to-limit-what-scientific-research-can-be-used>

by Josh Siegel | October 17, 2018 10:51 AM

Critics say the rule proposed in April to combat what the Trump administration calls “secret science” would restrict the research the EPA can use in drafting environmental regulations.

The Environmental Protection Agency has delayed a controversial proposal that would prohibit the agency from using scientific studies that do not make public the raw data used in research.

In an update to its plans issued Tuesday evening, the EPA shifted the proposal to the “long-term actions” section of its deregulatory agenda, and listed 2020 as its target time frame for issuing a final rule.

Michael Abboud, an EPA spokesman, said the agency has not fully abandoned the proposed rule.

Critics say the rule proposed in April to combat what the Trump administration calls “secret science” would restrict the research the EPA can use in drafting environmental regulations, because it would have less research to work with and could cherry-pick information that fits its goals.

Some scientific research uses personal health information from individuals who participate knowing the details are not to be made public but used to inform policymaking.

Major studies that have depended on confidential information include a major 1993 study by Harvard University linking air pollution to premature deaths.

Former EPA Administrator Scott Pruitt, who introduced the proposal, said it would improve transparency and ensure science used in policymaking can be independently verified. EPA acting Administrator Andrew Wheeler had stood by the proposed rule he inherited.

But the proposal generated an intense reaction, receiving nearly a quarter million comments during a public comment period, most of them negative, including from the Pentagon.

In addition, the EPA’s Science Advisory Board, a panel of outside researchers and experts who review the quality of the science the agency relies on, said the rule was drafted without the consultation of the scientific community and outside the normal public engagement process.

Politico: What's Trump's agenda?

<https://www.politico.com/newsletters/morning-energy/2018/10/17/whats-trumps-agenda-376081>

By KELSEY TAMBORRINO (ktamborrino@politico.com; @kelseytam) 10/17/2018 10:00 AM EDT

With help from Alex Guillén, Annie Snider and Anthony Adragna

ON THE AGENDA: The White House unveiled its semi-annual update on regulatory actions, known formally as the Unified Agenda, last night, breaking down the status of the rules under construction at each agency.

The administration touted its look at CAFE and greenhouse gas standards, noting it is projecting to save between \$120 and \$340 billion in regulatory costs with an anticipated completion in fiscal year 2019. And EPA is still on target to release its revisions to the Waters of the U.S. rule in the fall. On PFAS, EPA said it's still weighing mechanisms "most appropriate" to move ahead on designating the toxic chemicals as hazardous substances. Elsewhere, EPA's revised Lead and Copper Rule is slated for release in February 2019, but the agency dropped a date for the final rule, while Interior said it would prioritize improving the permitting processes in FY 2019, including an update the NEPA processes and revising the regulations or listing species under the Endangered Species Act. See it here.

By the numbers: Ahead of the regulatory plan's release, the White House told reporters it cut more than four times as many major regulations as it created in fiscal year 2018, which it says led to \$23 billion in regulatory cost savings, Pro's Alex Guillén reports. Overall, 176 regulations, including smaller rules, were cut.

The Trump administration calculated that it had eliminated 57 regulations deemed "significant" — or those with an impact of more than \$100 million over the last year. The administration, meanwhile, wrote just 14 new significant rules, a senior administration official said. "We're not eliminating regulations that are working, we're only eliminating regulation where benefits of doing that outweigh the costs," said the official.

Not so fast: Critics have argued those cuts are exaggerated, or include regulations planned by the previous administration, but never enacted. Keep in mind, the Trump administration has also changed key calculations that can downplay benefits, Alex reports, such as for environmental rules that count the social cost of carbon, which it has significantly reduced in several environmental regulations.

WELCOME TO WEDNESDAY! I'm your host, Kelsey Tamborrino. FirstEnergy's Colin Mount was the first to correctly name the year — 1891 — that electricity was first installed in the White House, under President Benjamin Harrison, who refused to touch the light switches for fear of electric shock. For today: Who — or more precisely, what — was the first non-human to testify before any congressional committee? Bonus points if you can name the committee. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICPro.

PRESIDENT TRUMP SAYS A RED WAVE IS COMING ON ELECTION DAY. Is he right, or will the tide turn blue? Compete against the nation's top political minds in the POLITICO Playbook Election Challenge, by correctly picking the winning candidates in some of the most competitive House, Senate and gubernatorial races in the country. Win awesome prizes and eternal bragging rights. Sign up today! Visit politico.com/playbookelectionchallenge to play.

POLITICO IS PARTNERING WITH THE MILKEN INSTITUTE to bring a special edition of the POLITICO Pulse newsletter to the Milken Institute Future of Health Summit. Written by Dan Diamond, the newsletter will take readers inside one of the most influential gatherings of global health industry leaders and innovators as they tackle today's most pressing health challenges. The newsletter will run Oct. 23-24. Sign up today to begin receiving exclusive coverage on Day One of the summit.

AROUND THE AGENCIES

NEW INTERIOR IG RAISES EYEBROWS: An unusual arrangement spilled out into the public view Tuesday, leaving ethics watchdogs worried about the fate of several investigations into Interior Secretary Ryan Zinke. Suzanne Israel Tufts, a political appointee who currently is HUD's assistant secretary for administration, will become Interior's acting inspector general, HUD Secretary Ben Carson announced in a Friday email obtained by POLITICO's Ben Lefebvre.

Deputy Inspector General Mary Kendall has been at the helm of Interior's IG office, leading several probes into Zinke and his wife. Carson's letter did not explain whether Kendall is leaving or staying in the IG's office, and the office told POLITICO that it has received "no official communication or information about any leadership changes." Carson's email also didn't say exactly when Tufts would move to Interior.

Regardless, government ethics watchdogs pounced on the move, saying that a political appointee in the IG role raises concerns about how thoroughly the office will investigate the secretary. "This is a very big deal. Politicizing the oversight function is dangerous, especially in the absence of any Congressional oversight," tweeted Michael Bromwich, a former IG at the Justice Department and former Interior official. "Changing IGs in the midst of multiple serious investigations of the agency's head should raise alarm bells everywhere."

EPA UNION ELECTS ADMINISTRATION CRITIC AS NEW PRESIDENT: AFGE Council 238, the biggest of the five unions that represent EPA workers, has elected Gary Morton as its new president. Morton previously ran a local union branch representing Philadelphia-based EPA workers and works on underground storage tank issues for EPA in that city. He made headlines last year after publicly protesting the White House's budget proposal that would have slashed money and workers from the agency — and then became the target of a Republican research outfit, America Rising, which requested his emails under FOIA.

"Our sisters and brothers at the EPA have been under intense scrutiny and had their work come under attack the last two years, and it's vital we stand up for all the great things we do before it's too late," he said in a statement on Tuesday. Morton succeeds John O'Grady, who retired over the summer. AFGE Council 238 says it represents more than 9,000 EPA workers across the U.S.

DOWN ON THE BAYOU: Acting EPA Administrator Andrew Wheeler finished up a trip to Louisiana on Tuesday where he talked with regional economic leaders and toured a coastal restoration site in Luling, the agency said. Wheeler said in a statement he saw "firsthand the impact of erosion on Louisiana's coast and the potential solutions that are possible when EPA, the RESTORE Council, NGOs and the private sector all work together." Wheeler was accompanied by Region 4 Administrator Trey Glenn, Region 6 Administrator Anne Idsal and RESTORE Council Executive Director Ben Scaggs, among others. While there, the acting EPA chief signed a final rule approving Louisiana's Reid Vapor Pressure waiver near Baton Rouge and met with GOP Rep. Garret Graves.

It's worth noting: EPA is chair of the RESTORE Council, a federal-state panel managing billions of dollars for Gulf of Mexico recovery from the Deepwater Horizon oil spill. Some of Louisiana's restoration projects, including a controversial effort to restore the connection between the Mississippi River and coastal marshes on the other side of the levee, will require permits that are overseen by EPA.

DOT TO AUDIT LNG OVERSIGHT: As U.S. liquefied natural gas exports continue to rise, the Transportation Department said Tuesday it would start an audit of the Pipeline and Hazardous Materials Safety Administration to ensure there's proper oversight of LNG facility operators' compliance with federal regulations and with states that conduct inspections. The "self-initiated" audit will begin this month, the agency said, citing Energy Information Administration projections that LNG exports will rise from about 3 billion cubic feet per day this year to 15 billion cubic feet per day in 2030.

THE WHITE HOUSE

BASIC INSTINCTS: The president cast doubt this week on climate change and, unsurprisingly, is refusing to reel it back in. President Donald Trump told the Associated Press on Tuesday that he doubted the consensus science behind the

existence of climate change and its causes, defending the stance by pointing to his own "natural instinct for science" over the wealth of scientific evidence. "I have a natural instinct for science and I will say that you have scientists on both sides of the picture," he told the AP.

FILLING OUT THE MINE SAFETY RANKS: Trump intends to nominate Arthur Traynor to the Federal Mine Safety and Health Review Commission for a term ending on Aug. 30, 2024, the White House said Tuesday. Traynor is currently counsel to the United Mine Workers of America. Trump will also nominate William Althen for a second term to the mine safety commission, which reviews disputes between the Labor Department and mining companies.

BEYOND THE BELTWAY

THE PROBLEM THAT DOESN'T GO AWAY: The Air Force alerted New Mexico officials Tuesday that toxic PFAS chemicals used in firefighting foam have been detected at levels more than 23 times EPA's recommendation in drinking water supplies near Cannon Air Force Base, and at more than 370 times the EPA recommendation in groundwater on base. Some of the off-base wells supply local dairies, where the state is concerned that the toxins may be accumulating in cows' milk, as research has shown they do in humans' breastmilk. The state's agriculture department has asked the FDA to investigate whether the contaminants are affecting health and, if so, to establish a regulatory limit.

JUDGE APPROVES TESLA-SEC SETTLEMENT: A federal judge gave the OK Tuesday on a settlement between Tesla and the SEC that will resolve charges that Tesla CEO Elon Musk deceived investors with a tweet earlier this year that expressed plans to take the electric car manufacturer private, Pro Financial Services' Zachary Warmbrodt reports. The deal requires Tesla and Musk to each pay a \$20 million penalty, and calls on the company to replace Musk as its chairman for three years, though he can stay on as CEO.

STATE NEWS

THEY'RE ON BOARD: Conservation Colorado, the state's largest environmental advocacy group, said Tuesday it's endorsing a ballot measure that would impose some of the strictest limits on drilling wells near homes, schools and businesses in the country. "Keeping oil and gas activities a safe distance from Coloradans' schools, playgrounds, and hospitals is vital to protecting our communities and our #environment," the group tweeted. "Conservation Colorado is proud to say yes to Proposition 112." The group joins the Sierra Club, 350.org, Physicians for Social Responsibility and other environmental groups in backing it. Both nominees for governor, Democrat Jared Polis and Republican Walker Stapleton, have opposed the effort, though many are skeptical of Polis' position given his past support for a similar measure.

REPORT: CALIFORNIA AGENCY WORKING WITH GAS TAX BACKERS: The California State Transportation Agency coordinated "frequently" with a Sacramento-based public affairs firm that represents unions, construction companies, and local government groups trying to block the repeal of the state's gas tax increase, the Associated Press reports via emails it obtained. The state agency worked alongside the firm Bicker, Castillo & Fairbanks to organize news conferences and other efforts in the lead-up to the passage of the bill hiking the gas tax in April 2017. But since then, the AP reports, the "agency and firm continued planning events and coordinating social media posts as opponents gathered signatures for repeal," raising ethics officials' eyebrows, even if it's not a clear violation of campaign law.

AD-ING IT UP: EDF Action is out with a new TV spot targeting GOP Rep. Tom MacArthur in New Jersey for taking money from "big polluters." The \$500,000 ad buy kicked off Tuesday and will run through Election Day. It's part of a larger \$1 million joint effort with LCV Victory Fund, Environment America Action Fund and Clean Water Action.

TAKE A GLANCE! The Alliance for Market Solutions, a conservative group launched last year to push for a carbon tax, commissioned a new report from advisory firm EY that compared the economic impacts of replacing existing U.S. carbon regulations with a carbon tax. The existing regulatory approach would reduce GDP in the long run by an average \$1,770 per household annually, according to the report. But a revenue-neutral carbon tax has the potential to increase GDP by

as much as \$5,090 per household on average annually, in comparison with the existing regulatory approach, the report found.

MOVERS AND SHAKERS

The Tennessee Valley Authority announced staffing moves Tuesday, including Bevin Taylor, who is now director of federal government relations. Bevin previously worked for Sen. Roger Wicker covering energy policy, foreign affairs and international trade. TVA also added Sarah Eason and John Haley as Washington representatives, and Nate Lane as an associate Washington representative.

MAIL CALL

WE HAVE TO GO BACK: Sen. Tom Carper, the top Democrat on the Environment and Public Works Committee, sent a letter to Wheeler and Transportation Secretary Elaine Chao warning against going forward with the Trump administration's proposal to roll back Obama-era fuel economy and greenhouse gas emissions standards. "I urge you to abandon your current approach and do all that you can to support efforts to identify and finalize a 'win-win,' consensus approach," he wrote.

ON A BRAKE: Democratic Sens. Ron Wyden and Jeff Merkley sent letters to leaders of the Union Pacific Railroad and BNSF Railway seeking information on the companies' plans to make sure trains carrying hazardous cargo have updated brakes. "Too often our constituents in the Pacific Northwest have seen trains carrying crude oil crashing within and around their communities," the lawmakers wrote.

QUICK HITS

- "Chatterjee pushes grid operators to design market products for storage," Utility Dive.
- "New acting director in Calif. described as 'top notch,'" E&E News.
- "Walmart agrees to buy power from three Midwest U.S. wind farms," Bloomberg.
- "How Washington unleashed fossil-fuel exports and sold out on climate," Center for Public Integrity.
- "Rescuers search for 1,000 missing in Florida Panhandle after hurricane," CNBC.

Axios: EPA brags up lower emissions while Trump doubts climate change

<https://www.axios.com/epa-climate-change-carbon-emissions-trump-136ca2f5-7625-44f9-8630-75783f17e52f.html>

Amy Harder - October 17, 2018

The Environmental Protection Agency is set to unveil new federal data today that shows U.S. greenhouse gas emissions decreased 2.7%, according to a release viewed by Axios.

Why it matters: This drop, between 2016 and 2017, is due largely to market forces and moves by President Obama and Congress, and occurred before President Trump officially took office. EPA's announcement contrasts with Trump, who in recent days has dismissed climate change as an issue.

"Thanks to President Trump's regulatory agenda, the economy is booming, energy production is surging, and we are reducing greenhouse gas emissions from major industrial sources."

— Acting EPA Administrator Andrew Wheeler in a statement

The big picture: Today's move is in line with previous conflicting statements from the administration. Trump publicly doubts climate change, yet in official moves, EPA and other agencies stick largely with the scientific consensus, which is that human activity is driving the Earth's temperature up.

Details:

- Reported emissions from large power plants have dropped 4.5% since 2016 and nearly 20% since 2011.
- These declines are driven mostly by market forces of cheap, cleaner-burning natural gas replacing dirtier coal in the electricity sector. Trump wants to bring back coal, which would raise emissions, though he's unlikely to succeed.
- The decline is also due to renewable energy growth, driven by state energy mandates and federal tax credits over the past decade.
- A 2012 air-pollution regulation Obama issued also drove a lot of coal plants to shut down. Trump wants to review that, though it's unlikely to bring back any coal plants.
- Between the lines: EPA is repealing all of Obama's climate-related regulations, though given the plethora of natural gas available and dropping renewable-energy prices, the regulations are unlikely to have a big impact either way.

Reality check: As I said in this recent Harder Line column, Trump administration officials tout how America's greenhouse gas emissions are at levels not seen in decades. Yet these same Trump officials don't say they actually care about climate change, which is what these emissions are all about.

CNN: EPA official on why she was ousted: 'Maybe saving children doesn't matter anymore'

<https://www.cnn.com/2018/10/17/politics/epa-childrens-health-ruth-etzel/index.html>

By Gregory Wallace- Updated 11:03 AM ET, Wed October 17, 2018

WASHINGTON, DC - MARCH 16: The U.S. Environmental Protection Agency's (EPA) logo is displayed on a door at its headquarters on March 16, 2017 in Washington, DC. U.S. President Donald Trump's proposed budget for 2018 seeks to cut the EPA's budget by 31 percent from \$8.1 billion to \$5.7 billion. (Photo by Justin Sullivan/Getty Images)

Washington (CNN)—The Environmental Protection Agency children's health director who was recently placed on leave says she is concerned that to agency leadership, "maybe saving children doesn't matter anymore."

Dr. Ruth Etzel, a pediatrician whose three decades of work in children's health includes three years leading the EPA's Office of Children's Health Protection, said she was placed on leave with little explanation in late September.

"My job is kind of like being the chief lifeguard. I'm looking out for possible hazards to children and trying to prevent them," she told CNN's Jake Tapper on "Erin Burnett OutFront." "And if they don't want the chief lifeguard around, what does that mean for children?"

Acting EPA Administrator Andrew Wheeler said Etzel "was suspended while we investigate some allegations," but declined to comment further about the nature of the charges.

He also said the "important work" of the children's health office will continue, and an acting director is currently overseeing the staff.

"I appreciate the dedication of the employees of that office who have been performing outstandingly," Wheeler said at an event focused on children's health earlier this month.

Shortly after being told of her suspension, Etzel described in an email to colleagues months of "guerrilla warfare." She was "was required to turn in my EPA badge, computer, keys, and cell phone" and is "not allowed to perform any official EPA duties."

Etzel said in the CNN interview she suspected -- but had no evidence -- that she was sidelined to stymie progress on a major lead poisoning report that was nearing completion.

"I have a hard time knowing because what they continue to tell me is that lead poisoning is very important, but ... if you watch their actions and not just listen to their words, you find out they're not walking the walk that they would be walking if they really wanted to eliminate childhood lead poisoning," she said.

Etzel said that generally, the administration has not made environmental protection "a high priority."

"This administration doesn't seem to adhere to the EPA mission which has always been to protect both human health and the environment," she said.

The Hill: EPA puts science 'transparency' rule on back burner

<https://thehill.com/policy/energy-environment/411839-epa-puts-science-transparency-rule-on-back-burner>

BY TIMOTHY CAMA - 10/17/18 11:20 AM EDT

The Environmental Protection Agency (EPA) is putting its initiative to overhaul how it evaluates science on the back burner.

The agency has put the regulation, dubbed "Strengthening Transparency in Regulatory Science," on its "long-term actions" agenda in the latest edition of the Trump administration's regulatory agenda, released by the White House Office of Management and Budget Wednesday.

The EPA now expects to make the rule final in about January 2020, and dozens of other regulatory projects are in front of the science rule in line.

Wednesday's regulatory agenda also provided updated timelines for numerous major EPA initiatives, like repealing the Obama administration's Clean Power Plan and Clean Water Rule.

The highly controversial science rule would mandate that for regulations and other decisions, the EPA can only use scientific data and findings for which all of the underlying data can be made publicly available and reproducible.

Critics, including environmentalists, many scientists and Democrats say it would set the bar unnecessarily high and prevent the EPA from using many high-quality studies, which would lead it to write fewer regulations.

An EPA spokesman said the rule is still under development, but the agency is taking its time sifting through the nearly 600,000 comments it received.

"Given the scope and volume of public comments, the agency's review process cannot be rushed, and EPA has a significant amount of work ahead to fully consider and develop any final action," the spokesman said.

The science rule was a top priority of former EPA head Scott Pruitt, who resigned in July amid numerous spending and ethics scandals.

The previous edition of the regulatory agenda, released in the spring, did not specify a timeframe for making the rule final.

California Attorney General Xavier Becerra (D) nonetheless celebrated the move as a victory.

"We recently filed strong opposition to a proposed regulation by the EPA that would restrict EPA's access to critical scientific data. EPA just shelved this misguided proposal. Now they should get back to their core mission of protecting human health and the environment," he said in a statement.

The Wednesday agenda updated timelines for dozens of other EPA regulatory rollbacks.

In March, the EPA plans to make final its proposed repeals of two major Obama administration rules: the Clean Power Plan, which sought to reduce carbon dioxide emissions from power plants; and the Clean Water Rule, which sought to extend federal water protections to many small waterways like ponds and streams.

The proposal to freeze auto emissions standards in 2020 and cancel future stricter rules is also due to be made final in March.

The industry-friendly Clean Power Plan replacement is due to be made final in March as well. A proposal to replace the Clean Water Rule with a less-ambitious version is due to be proposed this month and made final in September 2019.

EPA plans to finalize its rollback of methane pollution rules for oil and natural gas drillers in April, it said. It hopes to propose rolling back more methane standards in December.

At the Interior Department, the Trump administration plans to roll back parts of a major 2016 offshore drilling safety rule in December.

The Fish and Wildlife Service's trio of rules to change how it implements the Endangered Species Act, proposed this summer, will be made final in November, the administration said.

BNA: EPA Foot-Dragging on Dicamba Leaves Farmers Up in the Air

<https://www.bna.com/epa-footdragging-dicamba-n73014483350/>

By Tiffany Stecker- October 17, 2018

Growers across the country are awaiting a pivotal decision from the EPA to approve or disapprove an herbicide for use next year that could again pit farmers against their neighbors.

The Environmental Protection Agency's delayed decision to re-register the herbicide has put soybean growers in a bind, unable to buy seeds for next year until the agency announces whether it will renew the registration for dicamba, a decades-old weedkiller that has been reformulated for use on genetically engineered soybeans and cotton.

Adoption of the technology last year coincided with a dramatic uptick in drift complaints, particularly among soybean farmers whose crops were damaged by their neighbors' spraying dicamba that drifted onto their fields.

The EPA's high-stakes decision has the potential to pit farmers against their neighbors and researchers against the pesticide industry. State agriculture boards often get caught in the middle.

'We Really Need to Know Something'

Two top officials in the EPA pesticides office—Director Rick Keigwin and Registration Chief Mike Goodis—told farmers and seed traders this summer that the agency planned to make a decision by August, according to trade media reports.

But two months later, farmers are still waiting. Representatives in the agency's press office told Bloomberg Environment that the EPA plans to reach a conclusion "in time for growers to make informed seed-purchase decisions for the next planting season."

A spokeswoman for Bayer, which makes a formulation of dicamba called XtendiMax, said the current "registration expires in November 2018. EPA is in the process of evaluating a new registration for XtendiMax, and we expect EPA will complete this action shortly."

Farmers typically make planting decisions after the harvest season wraps up, which ranges from mid-September through December. Tax planning and crop price predictions also play into their decision-making for next year.

"We really need to know something," Benton Felts, who farms more than 2,000 acres of soybeans, cotton, and rice in Northeast Arkansas, told Bloomberg Environment. "We just don't know what we can do."

"The sooner the better," Jared Gregg, a seventh-generation family corn and soybean grower from Central Illinois, said.

Needing a Bargain

Soybean farmers in particular are struggling financially this year. Growers are caught in the middle of the Trump administration's trade war with China, and the prices of soybean futures have tumbled as much as 20 percent this summer.

The depressed soybean prices have farmers looking at products that will give the highest yields at a reasonable price, Bloomberg Intelligence analyst Jason Miner told Bloomberg Environment.

"Right now, we're still bargain hunting," he said.

Dicamba, a 1960s-era weedkiller, was reformulated and sold under a new label by Monsanto Co., BASF SE, and DowDuPont last year. It helps farmers fight weeds that no longer die with common herbicides such as glyphosate, better known as Monsanto's Roundup. St. Louis-based Monsanto was purchased by Bayer AG June 7.

The new herbicides were made to work with Monsanto's—now Bayer's—genetically engineered soybeans and cotton that aren't harmed when sprayed with dicamba. But thousands of farmers who didn't grow the GMO crops saw their soybean plants wither last summer as dicamba drifted off neighboring fields.

In 2017, about 3.6 million acres of soybean crops were allegedly damaged by drifting dicamba, according to the University of Missouri's Integrated Pest Management program. Vegetable crops, trees, and other vegetation were also harmed.

Hundreds of farmers have sued Monsanto, alleging they suffered significant crop damage when the dicamba herbicides were sold, and that the company violated antitrust laws because the dicamba drift forces farmers to buy Monsanto's dicamba-tolerant seeds.

The debate about whether dicamba should be renewed isn't limited to soybeans and cotton. A federal district judge recently allowed a peach farmer's lawsuit to move forward Oct. 5, setting a Oct. 28, 2019, trial date in *Bader Farms Inc. v. Monsanto*.

'Fixing' Dicamba

This fall, Arkansas soybean farmers are grappling with whether to plant Bayer's XtendiMax seeds next year or use BASF's LibertyLink technology, a genetically engineered seed that can withstand applications of the herbicide glufosinate. LibertyLink was developed by Bayer but sold to BASF last year as part of the company's Monsanto acquisition.

Buying LibertyLink seeds will probably lower yields, according Felts. In 2017, he saw a 10-15 bushel-per-acre difference between the dicamba seeds and glufosinate-resistant seeds.

"That's the best bean we've ever had, that dicamba bean," Justin Blackburn, who farms 1,700 acres of soybeans, corn, and rice with his brother in eastern Arkansas.

In a bid to reduce drift problems, the EPA reached an agreement with manufacturers last year to list the herbicides—Bayer's XtendiMax, BASF's Engenia, and DowDuPont's FeXapan—as "restricted use," meaning only certified applicators with dicamba-specific training could handle the products. Manufacturers also organized their own educational and training sessions for farmers.

But the complaints persist. The most recent complete survey taken Aug. 30 found 986 dicamba drift complaints across 12 states, according to the American Association of Pesticide Control Officials, a group of state pesticide regulators.

Proponents of the dicamba technology aren't the only ones anxiously awaiting a decision.

An announcement to continue allowing spraying would mean some farmers will plant dicamba-tolerant seeds just to protect their crops from neighboring drift, Mike Kemp, a soybean farmer in Missouri's six-county Bootheel region, told Bloomberg Environment.

Kemp has already made some purchasing decisions, which include a new BASF LibertyLink seed that resists three herbicides.

But an affirmative decision on dicamba could push him toward Bayer's seeds, Kemp said.

"If they can fix dicamba to where it does not drift, it will be a wonderful product," he said. "But they don't have it fixed yet."

—With assistance from Lydia Mulvany (Bloomberg).

Washington Examiner: EPA touts falling emissions during first year of Trump administration

<https://www.washingtonexaminer.com/policy/energy/epa-touts-falling-emissions-during-first-year-of-trump-administration>

by Josh Siegel | October 17, 2018 11:33 AM

The Environmental Protection Agency touted data on Wednesday showing U.S. greenhouse gas emissions fell 2.7 percent across the power sector and large manufacturing facilities in 2017, the first year of the Trump administration, even as it has pursued a deregulatory agenda.

“Thanks to President Trump’s regulatory reform agenda, the economy is booming, energy production is surging, and we are reducing greenhouse gas emissions from major industrial sources,” EPA Acting Administrator Andrew Wheeler said in a statement. “These achievements flow largely from technological breakthroughs in the private sector, not the heavy hand of government. The Trump Administration has proven that federal regulations are not necessary to drive CO2 reductions. While many around the world are talking about reducing greenhouse gases, the U.S. continues to deliver, and today’s report is further evidence of our action-oriented approach.”

The data covers 8,000 large facilities that reported its 2017 emissions to EPA.

Despite falling emissions, the EPA has proposed weakening Obama administration rules meant to further combat carbon emissions from coal, the largest emitting energy source.

A key justification the EPA provided in moving to gut President Barack Obama’s Clean Power Plan is the fact that the power market is already naturally becoming cleaner, making strict regulation unnecessary in its judgment.

The Clean Power Plan, which was never implemented because of a Supreme Court stay, required states to reduce carbon dioxide emissions 32 percent below 2005 levels by 2030.

The U.S. has already achieved 28 percent of that goal, according to Bloomberg New Energy Finance, thanks to cheaper natural gas and renewables that are replacing coal.

Even with a more limited scope, the EPA's narrower replacement rule will see power sector emissions falling 33 to 34 percent below 2005 levels, according to the Trump administration's projections.

But environmentalists and experts say Obama intended the Clean Power Plan to be just the first step in a broader policy to prevent the worst impacts of climate change that is also affected by emissions from other sources, such as transportation.

The Clean Power Plan was a key component of the U.S. commitment to the Paris climate agreement that Trump has rejected, because power sector emissions account for roughly one-third of America’s overall emissions.

To reach the target of the Paris goal, the U.S. would need to both increase the pace of carbon emissions reduction in the power sector, and also cut pollution from transportation, which has proven to be a more difficult task.

Last year, the transportation sector became the largest source of greenhouse gas emissions in the U.S. That especially worries experts because the Trump administration has also proposed relaxing stringent fuel efficiency standards for vehicles set by Obama.

Breitbart News: EPA: Greenhouse Emissions Decreased During Trump's 1st Year in Office

<https://www.breitbart.com/politics/2018/10/17/epa-greenhouse-emissions-decreased-during-trumps-1st-year-in-office/>

Sean Moran- 17 Oct 2018

The Environmental Protection Agency (EPA) released a report on Wednesday which found greenhouse gas emissions decreased during President Donald Trump's first year in office.

This runs counter to the narrative that Trump's deregulatory agenda would lead to more emissions.

The EPA report revealed that total greenhouse gas emissions decreased by 2.7 percent from 2016 to 2017.

"Thanks to President Trump's regulatory reform agenda, the economy is booming, energy production is surging, and we are reducing greenhouse gas emissions from major industrial sources," EPA Acting Administrator Andrew Wheeler said in a statement.

"These achievements flow largely from technological breakthroughs in the private sector, not the heavy hand of government. The Trump Administration has proven that federal regulations are not necessary to drive CO2 reductions," Wheeler continued. "While many around the world are talking about reducing greenhouse gases, the U.S. continues to deliver, and today's report is further evidence of our action-oriented approach."

The EPA report also found that emission from large power plants declined by 4.5 percent since 2016 and 19.7 percent since 2011.

President Trump's administration has managed to simultaneously reduce greenhouse gas emissions while removing burdensome regulations that stifle American industry.

The new EPA report runs counter to the leftist narrative that Trump's unraveling of Obama-era environmental regulations would lead to increased greenhouse gas emissions.

Under the Trump administration, the EPA proposed a lighter-touch regulatory plan compared to Obama's Clean Power Plan (CPP) called the Affordable Clean Energy (ACE) Rule.

The EPA contends that under the ACE rule, carbon dioxide emissions from the U.S. power plan sector will decrease by 34 percent below 2005 emission levels.

The Trump EPA announced in August that they will roll back the Obama-era gas mileage standards. The EPA said that the gas mileage standards have served as a significant factor in the rising cost of cars to an average of \$35,000.

Acting Administrator Wheeler, continues to serve as a part of President Trump's agenda to unravel Obama's environmental legacy and pursue an America First policy of "energy dominance."

Reuters: U.S. greenhouse emissions fell in 2017 as coal plants shut

<https://www.cnbc.com/2018/10/17/reuters-america-u-s-greenhouse-emissions-fell-in-2017-as-coal-plants-shut.html>

Timothy Gardner- October 17, 2018

WASHINGTON, Oct 17 (Reuters) - Greenhouse gases emissions from the largest U.S. industrial plants fell 2.7 percent in 2017, the Trump administration said, as coal plants shut and as that industry competes with cheap natural gas and solar and wind power that emit less pollution.

The drop was steeper than in 2016 when emissions fell 2 percent, the Environmental Protection Agency (EPA) said.

EPA acting administrator Andrew Wheeler said the data proves that federal regulations are not necessary to drive carbon dioxide reductions.

"Thanks to President Trump's regulatory reform agenda, the economy is booming, energy production is surging, and we are reducing greenhouse gas emissions from major industrial sources," Wheeler said in a release.

While Wheeler gave the administration credit for the reductions, which mainly came from the power sector, the numbers also underscore that the administration has not been able to stop the rapid pace of coal plant shutdowns.

Voters in states that produce and burn coal form a large part of President Donald Trump's base, but the administration has not been able to forge a path for subsidizing aging coal and nuclear plants, despite industrial players urging the administration to act.

Trump has said that the climate is changing but he does not know the extent to which humans are causing it, and last year he announced his intention to pull the country out of the 2015 Paris climate agreement.

Natural gas releases far less carbon dioxide when burned than coal and a domestic abundance of gas has driven a wave of closures of coal plants. In 2017 utilities shut or converted from coal-to-gas nearly 9,000 megawatts (MW) of coal plants.

Energy Secretary Rick Perry submitted a plan months ago to the White House to subsidize the plants using tools that would support industry when national security is at risk.

Perry told reporters in late September that his agency's ideas were still being "bandied about" at the White House. A report in Politico this week said that White House officials have put the plan on the shelf, over questions over who would pay for the subsidies.

A coalition of natural gas drillers, consumer advocates, some grid operators, and renewable power interests have opposed subsidizing aging coal and nuclear plants.

The trend of U.S. coal plant shutdowns is expected to pick up this year, with power companies expecting to shut 14,000 MW of coal plants in calendar year 2018. (Reporting by Timothy Gardner Editing by Marguerita Choy)

Reuters: U.S. environmental agency says has been in talks with AB Volvo over emissions issue

<https://www.reuters.com/article/us-volvo-emissions-regulator/u-s-environmental-agency-says-has-been-in-talks-with-ab-volvo-over-emissions-issue-idUSKCN1MR2ED>

Esha Vaish- October 17, 2018

STOCKHOLM (Reuters) - The U.S. Environmental Protection Agency said on Wednesday it has been in talks with Volvo over the last few weeks about an issue with their catalytic converters that was causing some vehicles to exceed nitrogen oxide emission limits.

FILE PHOTO: The logo of Volvo is seen on the front grill of a Volvo truck in a customer showroom at the company's headquarters in Gothenburg, Sweden, September 23, 2008. REUTERS/Bob Strong/File Photo/File Photo
Volvo warned a day earlier that some of its truck and bus engines could be exceeding limits for nitrogen oxide emissions as an emissions control component it uses was degrading more quickly than expected.

The Swedish truckmaker said it could face material costs to deal with the issue largely affecting trucks and buses sold in North America and Europe, its two largest markets, and that it was working with authorities to find a solution.

A spokesperson for the EPA told Reuters via email on Wednesday that the body was aware of the situation, which it said involved Volvo heavy duty trucks.

"Over the last few weeks, EPA and the California Air Resources Board have been communicating with Volvo about the problem and are now continuing to meet with the company to develop plans to quickly address this situation."

Asked why Volvo had waited a couple of weeks before informing the market, a Volvo spokesman said the company needed to see whether this would be a large issue and it was standard protocol to inform authorities first.

"Authorities and legal bodies are normally informed prior to the markets because we inform them even if the problem is very, very small," he said.

Volvo has not detailed when the affected trucks were sold or how many trucks are impacted, but has said only that all products equipped with the component met emissions limits at delivery.

The company sold 51,693 trucks in North America last year and another 115,863 in Europe.

EPA and CARB declined to comment when asked how many trucks were involved, while a spokesman for Volvo said it was too early to know.

"We... are working with the company to more fully understand what's going on," a spokesman for CARB said in a brief separate comment, without giving more details.

Associated Press: EPA puts off final decision on science transparency rule

<https://www.apnews.com/2c12602deb6c4beab3d84b024c96ac7d>

By ELLEN KNICKMEYER October 17, 2018

WASHINGTON (AP) — The Environmental Protection Agency says it is putting off for at least a year any final announcement on a controversial proposal overhauling how the agency evaluates science. Critics say it could bar the use of landmark public health studies.

EPA spokesman Michael Abboud said Wednesday the agency now expects no published action on the proposal for at least 12 months.

The rule was one of the most contentious proposed by former EPA Administrator Scott Pruitt, who stepped down last summer amid ethics scandals.

Supporters say the so-called transparency rule would help the public understand the science behind EPA regulations. Critics say it could block use of the kind of confidential patient data that underpins major environmental regulations.

The EPA says it received almost 600,000 public comments on the proposal.

Bloomberg Environment: EPA 'Secret Science' Rule May Not See Daylight Until 2020

<https://news.bloombergenvironment.com/environment-and-energy/epa-secret-science-rule-may-not-see-daylight-until-2020>

Abby Smith- Posted Oct. 17, 2018, 10:38 AM

- Final action not expected until January 2020
- Timeline could allow EPA to tweak plans, which even supporters say needs work
- The EPA's plans to restrict the type of science it will use to craft regulations is on the back-burner for now.

The Environmental Protection Agency is pushing back its goal to issue the rule until January 2020, according to the administration's fall regulatory agenda released Oct. 17.

That timeline means the April 30 proposal could languish at the agency for nearly two years. Former EPA Administrator Scott Pruitt had rushed out the plans to change what he dubbed the agency's "secret science" rules, but even supporters of the approach have suggested it was poorly crafted.

The EPA's proposal would reverse its decades-old approach to regulatory science. The plans would bar the EPA from using scientific research that includes data that isn't or can't be made public. That would include epidemiological studies, which often use private medical information that must be kept confidential.

Pushing back the timeline doesn't mean EPA Acting Administrator Andrew Wheeler will abandon the policy, observers say.

Not Backing Off

"It may be pushed farther down the regulatory agenda, but I don't see this administration backing off from that policy," Norman Dupont, a partner at Ring Bender LLP in Costa Mesa, Calif., said at the Association for Environmental Health and Sciences Foundation's conference in Amherst, Mass.

Dupont also suggested the EPA is digesting the hundreds of thousands of comments submitted on the proposal.

The approach has drawn sharp opposition from environmental groups, scientists, and public health researchers who say the plans will undercut the EPA's ability to properly regulate air pollutants, toxic chemicals, and other environmental harms.

The EPA could use the longer timeline to tweak its proposal or to release a second version of its plans, as some supporters of the approach such as the Texas Commission on Environmental Quality have urged.

"The lack of specific policy design has led to confusion among experts and particularly the media about the real consequences of this proposed rule," the state agency said in comments to the EPA.

The Guardian: EPA to unveil plans to weaken rule limiting toxic mercury pollution

<https://www.theguardian.com/environment/2018/oct/17/epa-to-unveil-plans-to-weaken-rule-limiting-toxic-mercury-pollution>

The EPA isn't rescinding the standard as of yet but has finished deciding to reconsider the analysis for the Obama-era rule.

By Emily Holden in Washington- Wed 17 Oct 2018 13.46 EDT

Emissions spew out of a large stack at the coal-fired Morgantown generating station in Newburg, Maryland.

The US Environmental Protection Agency next month will unveil plans to start weakening the economic justification for a rule limiting toxic mercury pollution from coal plants.

The EPA isn't rescinding the standard as of yet but has finished deciding to reconsider the underlying analysis for the 2011 rule, according to the government's newly published agenda.

Trump races against clock to roll back major Obama-era environment rules

[Read more](#)

Donald Trump's administration is revoking major environmental protections enacted by the Barack Obama administration, arguing Obama rules overestimated health benefits and undercounted costs.

Conservatives say Obama's EPA shouldn't have counted health improvements from the mercury rule that would have come from eliminating other kinds of pollution from coal plants, including soot and nitrogen oxide linked to respiratory illnesses and early deaths.

Power companies have already spent the money to comply with the mercury standard, but EPA wants to rework the cost-benefit analysis behind the regulation anyway. Air law experts say the move could set the agency up to roll back other pollution protections that depend on the mercury rule math. It could also throw settled other regulations into question, setting off a frenzy of lawsuits against the government and businesses, they say.

Obama's EPA estimated the rule would result in \$37bn to \$90bn in annual health benefits but that only a small portion of that would be from reducing mercury levels. The agency expected that installing mercury controls would cost industry \$9.6bn per year, so the benefits would outweigh the costs. Excluding those secondary benefits would imply the rule cost more than it was worth.

The supreme court in 2015 ruled the EPA broke the law in deciding to regulate mercury without first considering the costs. The EPA in 2016 responded to that with a new analysis. The agency now wants to reassess.

The EPA is still working on its required follow-up review of the risks from mercury and the technologies available to limit it and will issue a draft along with the proposal to re-evaluate the cost-benefit analysis in November.

Bloomberg Environment: EPA Says it Will Re-Examine Toxic Mercury Air Limits By Next Month

<https://news.bloombergenvironment.com/environment-and-energy/epa-says-it-will-re-examine-toxic-mercury-air-limits-by-next-month>

Amena H. Saiyid- Posted Oct. 17

Aims to complete its re-examination for economic basis for mercury, air toxics rule in November

Agency says it won't revise the standards, but will follow Supreme Court's orders

The EPA plans to complete its re-examination of toxic air pollution limits, including mercury for power plants, by November, according to the agency's fall regulatory agenda released Oct. 17.

The Environmental Protection Agency is reconsidering the economic basis for the 2012 limits that the Obama administration set for toxic air pollution that power plants emit (RIN: 2060-AT99). The agency said it won't revise the standards, but is following the U.S. Supreme Court's orders to re-examine how the Obama administration calculated the costs and benefits of reducing mercury and other toxic air pollutants from power plants.

The Supreme Court in 2015 required the EPA in *Michigan v. EPA* to take the power industry's compliance costs into account when determining whether it was necessary to regulate toxic pollution. The agency a year later put out a subsequent determination supporting regulation after taking costs into account and slashed the benefits of implementing this rule.

Environmental Groups Meet with OMB

Acting EPA Administrator Andrew Wheeler said the Trump administration disagreed with the way the Obama administration estimated compliance costs of \$9.6 billion, while the benefits totaled \$4 million. The EPA confirmed Oct. 1 that it has sent its draft mercury proposal to the White House Office of Management and Budget for review.

That White House office is reviewing the proposal and will address how the standards have been met by electricity generating utilities. The utilities claimed they met the toxic emissions limits and urged the EPA to leave the standards alone. The EPA said it is aware that the power sector has spent \$18 billion to comply with this rule.

Environmental groups including the American Lung Association are meeting Oct. 17 with OMB and they plan to exhort the administration to keep the toxic air pollution limits in place, Janice Nolen, American Lung Association's assistant vice president for national policy, told Bloomberg Environment Oct. 16.

"They don't recognize indirect benefits from the rule and only want to count the benefits from the targeted reductions," Nolen said. "If you are saving lives by actions that benefit people, you should recognize that. It's not like its not happening, and you are recognizing it."

Bloomberg Environment: EPA 'Secret Science' Rule May Not See Daylight Until 2020 (1)

<https://news.bloombergenvironment.com/environment-and-energy/epa-secret-science-rule-may-not-see-daylight-until-2020-1>

Abby Smith- Posted Oct. 17, 2018, 10:38 AM Updated Oct. 17, 2018, 2:04 PM

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That timeline means the April 30 proposal (RIN:2018-AA14) could languish at the agency for nearly two years. Former EPA Administrator Scott Pruitt had rushed out the plans to change what he dubbed the agency's "secret science" rules, but even supporters of the approach have suggested it was poorly crafted.

The EPA proposal would reverse its decades-old approach to regulatory science. The plans would bar the EPA from using scientific research that includes data that isn't or can't be made public. That would include epidemiological studies, which often use private medical information that must be kept confidential.

Pushing back the timeline doesn't mean EPA Acting Administrator Andrew Wheeler will abandon the policy, observers say. And the EPA also says it isn't delaying the policy but continuing with its internal rulemaking process.

"Given the scope and volume of public comments, the Agency's review process cannot be rushed, and EPA has a significant amount of work ahead to fully consider and develop any final action," Michael Abboud, an EPA spokesman, said in a statement.

Abboud added prior regulatory agendas hadn't yet listed a timeline for the EPA to finish the science rule. The EPA could also advance long-term actions more quickly than anticipated, he said.

Not Backing Off

"It may be pushed farther down the regulatory agenda, but I don't see this administration backing off from that policy," Norman Dupont, a partner at Ring Bender LLP in Costa Mesa, Calif., said at the Association for Environmental Health and Sciences Foundation conference in Amherst, Mass.

Dupont also suggested the EPA is digesting the hundreds of thousands of comments submitted on the proposal.

The approach has drawn sharp opposition from environmental groups, scientists, and public health researchers who say the plans will undercut the EPA's ability to properly regulate air pollutants, toxic chemicals, and other environmental harms.

The EPA could use the longer timeline to tweak its proposal or to release a second version of its plans, as some supporters of the approach such as the Texas Commission on Environmental Quality have urged.

"The lack of specific policy design has led to confusion among experts and particularly the media about the real consequences of this proposed rule," the state agency said in comments to the EPA.

—With assistance from Sylvia Carignan.

(Updates with EPA statement in fifth, sixth and seventh paragraphs.)

Huffington post: EPA Signals Andrew Wheeler Could Stay In Place Until 2020 Without Senate Confirmation

https://www.huffingtonpost.com/entry/andrew-wheeler-epa-acting-administrator_us_5bc76f92e4b0a8f17ee8b2a9

By Alexander C. Kaufman

The acting administrator seems set to become the longest-serving person not confirmed as an agency head by the Senate. Andrew Wheeler, confirmed by the Senate in April as the EPA's deputy administrator, became the acting administrator on July 9

When Andrew Wheeler hit his 100th day at the top of the Environmental Protection Agency this week, the press office put out what seemed to be two humdrum updates on the trip "Administrator Wheeler" took to Louisiana.

But the press releases' subject lines contained a small, almost unnoticeable tweak with significant implications: He still hasn't been nominated or confirmed to serve as the agency's permanent chief. He's not the EPA administrator; he's the acting EPA administrator. The agency had been noting the distinction — until this week.

The change could easily be chalked up to a mistake or an attempt to condense a clunky title in a tight space. But former EPA officials say it raises questions about the administration's plans to keep Wheeler in place indefinitely, making him the longest-serving acting administrator in the agency's nearly 48-year history.

With 101 days under his belt, Wheeler ranks fifth in tenure out of the agency's 17 acting administrators since 1970. By Dec. 9, he'll surpass Bob Perciasepe's roughly five-month stint as acting administrator in 2013.

After a series of bruising confirmation processes for President Donald Trump's nominees, critics say the White House could exploit the ambiguous rules governing the acting agency head to keep Wheeler as the EPA's boss, overseeing a dramatic deregulatory effort for the remaining 748 days of the president's term — nearly six times the current record for an acting administrator.

"To keep an Acting Administrator indefinitely is of course at variance with the past practice for Administrators," Stan Meiburg, a former acting deputy EPA administrator who spent 39 years at the agency, wrote in an email. "My expectation has been that if they are going to nominate Andrew they would wait until after the midterms, to avoid what would have been a (another!) contentious hearing and in hopes of a larger Senate majority."

The EPA declined to comment on the record, but after an inquiry, it sent a press release Wednesday morning with the title "acting administrator" in the subject line.

Scott Pruitt resigned as EPA administrator on July 5 amid a snowballing series of scandals.

The possibility that Wheeler would be the long-term leader of the agency most politicized under this administration was clear during his confirmation process to become deputy administrator. After his nomination last October, Wheeler, until then a prominent coal and mining lobbyist, sat quietly in procedural limbo. The Senate's powerful Environment and Public Works Committee voted narrowly along party lines in February to advance his nomination despite conflict-of-interest concerns. In April, just before the final confirmation tally, Democrats made a half-hearted attempt to delay the vote in light of then-Administrator Scott Pruitt's intensifying cascade of personal and ethical scandals.

"It's like a shadow confirmation vote for the next administrator of the EPA," Sen. Ed Markey (D-Mass.) said on the Senate floor before the April vote. "It's an attempt to slip by at the end of the week ... the nomination and confirmation of a man who stands for just the opposite of the credentials of a candidate to run the EPA."

Later that day, the Senate voted 53-45 to confirm Wheeler as the agency's No. 2, a position he held for less than three months before Pruitt resigned in disgrace amid more than a dozen federal investigations and snowballing accusations.

"This is the role Andy has always looked forward to having," Holmstead told The Washington Examiner. "I think he is going to be able to get an awful lot done in the next few years."

Since taking over, Wheeler has been a steadying force at the agency. Unlike Pruitt, who seemed to delight in antagonizing the press and instigating controversies, Wheeler has invited media from across the political spectrum to cover EPA events and responded quickly this month when inflammatory activity on his personal social media accounts surfaced.

Yet ideologically, Wheeler is in line with his predecessor and has forged ahead with Pruitt's most criticized policies. In August, Wheeler led an effort to roll back fuel economy rules, clearing the way to increase vehicle carbon dioxide emissions — the nation's top source of carbon pollution — 600 million metric tons by 2030. Weeks later, he proposed a rule to gut a long-stalled Obama-era power plant rule, allowing for pollution that, by the agency's own calculations, will cause an additional 1,400 premature deaths per year. Last week Wheeler disbanded two panels of experts charged with advising the EPA on limiting harmful emissions of soot and smog-forming gases.

"One can only wonder if the White House has given him its blessing after 100 days on the job and it intends that he will remain in the job permanently," said Mike Mikulka, the president of the American Federation of Government Employees Local 704, a regional union for EPA workers. "If that is the case, our health and the environment will continue to suffer."

The legal foundation for Wheeler's indefinite tenure as acting administrator rests on the vague rules concerning the EPA's leadership. Under the Federal Vacancies Reform Act of 1998, the "person serving as an acting officer ... may serve in the office" for "no longer than 210 days beginning on the date the vacancy occurs." But the EPA's reorganization plan allows the deputy administrator to "act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator."

One can only wonder if the White House has given him its blessing after 100 days on the job and it intends that he will remain in the job permanently.

Mike Mikulka, president of AFGE Local 704

No acting administrator has remained in the role for longer than 153 days, leaving it unclear which rule overrides the other, Perciasepe said.

"He can't be anything but acting without nomination and then confirmation," he said by email. "While he is an acting one, he is Administrator."

Neither the Republican nor the Democratic leadership of the Senate Environment and Public Works Committee responded to requests for comment on how the EPA should proceed after Jan. 30, 2019, the date 210 days after Pruitt's resignation.

The White House did not respond to questions about its plan for Wheeler.

But Christine Todd Whitman, an EPA administrator under Bush, said keeping Wheeler as acting chief until 2020 would harm public trust in a scientific agency already tainted by bitter partisan disagreements over its role.

"The politics in Washington is so polarized now that few nominations are moving at all," she said by email. "It's a situation that does not serve the public well as the actions of anyone in an 'acting' capacity can be more easily be called into question and it is unsettling for an agency."